

MINUTES

PORT LABELLE COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS' MEETING

November 19, 2015

A meeting of the Board of Supervisors of the Port LaBelle Community Development District was called to order at 5:35 P.M. on Thursday, November 19, 2015, by Chairman Jason Martinez.

Those present at the meeting were:

Nancy Imhoff – Board Member
Jeff Perry – Vice Chairman & Board Member
Jason Martinez – Chairman & Board Member
Mike Jordan – Treasurer & Board Member
David Capitanio – Board Member
Judi Kennington-Korf – General Manager
Debora Simicich – Secretary
Jeff Daniels - Field Supervisor
Robert Pritt – District Attorney
Andy Higginbotham – District Accountant
Han Mouthaan – Resident

The meeting opened with a prayer led by Mr. Pritt followed by the Pledge of Allegiance.

Mr. Martinez opened the floor for nomination of Officers. Mr. Perry nominated Mr. Martinez to serve as Chairman. There were no other nominations, the vote to approve Mr. Martinez as the Board's President was unanimous. Mr. Martinez nominated Mr. Perry to serve as Vice-Chairman. There were no other nominations, the vote to approve Mr. Perry as the Board's Vice-Chairman was unanimous. Mr. Martinez nominated Mr. Jordan to serve as Treasurer. There were no other nominations, the vote to approve Mr. Jordan as the Board's Treasurer was unanimous. Mr. Perry nominated Ms. Simicich to serve as Secretary. There were no other nominations, the vote to approve Ms. Simicich as the Board's Secretary was unanimous. Mr. Martinez nominated Ms. Imhoff to serve as Assistant Secretary. There were no other nominations, the vote to approve Ms. Imhoff as the Board's Assistant Secretary was unanimous.

Consent Agenda: Verification of proper meeting notice, Verification of quorum, Approval of meeting minutes September 15, 2015, Approval of CPF workshop minutes October 15, 2015.

Upon motion duly made by Mr. Jordan, seconded by Mr. Perry and unanimously carried, it was

RESOLVED AND APPROVED all items on the consent agenda.

Mr. Martinez asked if there was any public comment. Mr. Mouthaan inquired if the comments at this time must be limited to items discussed so far or if he was permitted to weigh in after all items had been presented. Ms. Kennington-Korf read the District's public comment procedure from the public comment form. Mr. Mouthaan chose to give his comments at the end of the meeting.

Ms. Kennington-Korf gave the results of the Capital Projects Fund workshop held on October 15, 2015. She presented a broker's report prepared by Sherri Denning of Southern Heritage Real Estate.

Jeff Daniels reported that he has ridden all of the District roads and updated the condition rating of each road. Most stayed the same but a few had decreased dramatically. He presented the Board and audience members with a map showing where the worst roads are and the location of homes on those roads. The map also showed which roads in the area have already been repaved and when.

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Ms. Kennington-Korf remarked that the current year General Fund budget does include \$50,000 for road repairs and that the Board had expressed interest in using money from the CPF to help pay for paving.

Mr. Pritt reviewed the opinion he rendered on the possibility of using the CPF money for the roads projects. He stated that there is not much law available on this particular type of assessment. It was done many years ago for particular purposes. Some of the money was used for the particular purposes but not all of it. So what to do with the money? It is very difficult to return the money to the property owners. And the Board needs the money to repair the roads. The two questions are #1 - Can the Board change the designated purpose for the funds already assessed and collected? His opinion is yes they can. #2 - How is this change accomplished? The Board at the time elected to go under paragraph 170 of the Florida Statutes to implement the assessment. The Attorney General has rendered an opinion which is to start the entire assessment process over and send notification to individual property owners. This process would be extremely time consuming and costly to the point that it would cut into the amount of money available to repair the roads. Mr. Pritt stated that the Attorney General's opinion is given a lot of weight by the courts, but it is an opinion. It is not binding and gives a lot of weight to the 170 provision that an assessment be used for a specific purpose. Passage of the District's resolution was done months before the "specific purpose" provision was added and put into effect so there may or may not be a different answer to the question if it were asked today. Other statutes do have a "change of purpose" provision as long as the change does not alter the amount of the assessment. That is not a problem here since the assessment is long over and collections have ended. Mr. Pritt is of the opinion that the District should go through the process of discussion and public hearings. The District should put an additional notice in the paper which gives property owners a specific amount of time to come in and object to passage of the resolution. He suggested a 20 day period of time. He noted that such an objection period is a worthwhile thing to do since there is always a risk that a decision could be challenged.

Ms. Kennington-Korf stated that a conservative approach would be to hold 2 public hearings in order to give property owners a chance to respond. Mr. Pritt believes it is a good idea to put notice in the paper that the Board is going to take action but that 2 hearings are not needed. The Attorney General's opinion doesn't apply since there is no longer an assessment in place. It is not necessary to go through all the trappings of an assessment since there is no longer an assessment being levied. Mr. Capitanio asked if a law suit would have to be filed if a landowner objected. Mr. Pritt replied yes, if the objection comes after the public hearing and the comment period. That is why it is always good to allow a comment period after the resolution is passed, assures you have done due diligence to notify the landowners of the Board's actions and given them time to respond.

Ms. Kennington-Korf advised the Board that they could start the bid process to do the road paving before the public hearing and the comment period. The Board can advertise the bid but wait until after the public hearing and the comment period to award the bid. In this manner the Board can begin the process of getting the road repairs done.

Ms. Kennington-Korf noted that decisions need to be made by the Board in regards to a timeline and the parameters of the project. How much money do they plan to spend on the first round of paving? Do they want to match the budget amount dollar for dollar? Seeing as the worst roads are all in Hendry County, does the Board wish to start there and use money from the \$83,000 that can only be spent in Hendry County? She also stated that a decision needs to be made about the District office building. If the Board is not going to sell it, should the services of a realtor be sought in order to get the building occupied as soon as possible? Sale of the building is not an option at this time, but would be considered if an offer were made. There was concern among Board members that the District would need the use of the building if growth accelerates. It was deemed important to get a tenant in order to keep the building from deteriorating. Mr. Higginbotham noted that location of the building was a problem. Most businesses looking to lease want as much foot traffic as possible. The consensus of the Board was to seek a tenant for building, using a realtor if necessary and they authorized the General Manager to do what is necessary to lease the building.

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After a brief discussion regarding the bid timeline and process, the Board authorized the General Manager to begin the process to advertise for bids for the road repairs.

Mr. Jordan, Board Treasurer, advised the Board that they needed a plan on how the assessment money will be spent. The decision to spend the money affects the Board's investment strategy also. The Board needs a spending and investment strategy designating how much per year to put toward roads.

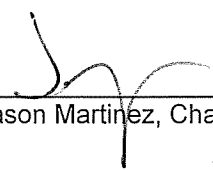
Ms. Kennington-Korf presented the Board with a slate of questions that could be used when seeking to appoint a person to fill a vacant Board seat.

Mr. Daniels reported that he and his crew are still mowing and spraying the roads. The new Kabota tractor is working great. It is more fuel efficient than the old tractor. The old mower was sold through GoveDeals, he is still waiting for the tractor to sell. If no bites on it this go round, he will seek other means to sell it.

Mr. Han Mouthaan informed the Board that the sign Jeff Daniels posted prohibiting drivers from crossing the greenbelts is not working. Mr. Pritt replied that his office can send a strongly worded letter informing the trespassers that if they do not stop crossing the greenbelts, further legal action could follow.

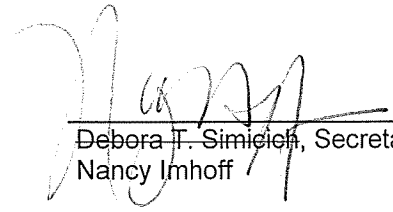
Mr. Mouthaan went on to compliment the current Board members and District staff. He stated that they make a fabulous team and work well together, he hasn't seen this before.

There being no other business to come before the Board, Mr. Martinez adjourned the meeting at 7:10 P.M.



Jason Martinez, Chairman

ATTEST:



Debora T. Simicich, Secretary
Nancy Imhoff